

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 2544 of 2017**

Rajesh Banjare S/o Mr. Dileep Banjare, aged about 19 years, R/o Mini Basti, Jarhabhatha, Thana Civil Lines, District Bilaspur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through Police Station Civil Lines, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Shailendra Dubey, Advocate
For Respondent/State	:	Shri U. K. S. Chandel, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/10/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 15.02.2017 in connection with Crime No. 88/2017 registered at Police Station Civil Lines, District Bilaspur (CG) for the offence punishable under Sections 376-D, 506 & 454 of IPC and Section 4 of Protection of Children from Sexual Offences Act.

2. As per the prosecution case, the present applicant along with the co-accused is said to have entered into the house of the prosecutrix on 30.01.2017 and ravished her.

3. Counsel for the applicant submits that in the instant case, the prosecutrix and her relatives have been examined before the Court below and during the course of evidence, they have denied the entire incident and have not supported the case of the prosecution and turned hostile. He submits that there is no possibility of conviction of the applicant in the light

of the evidence which has come before the trial Court and prays for releasing the applicant on bail.

4. State counsel, however, opposes the application on the ground of the prosecutrix being a minor and prays for rejection of the bail application.

5. Having considered the contentions put forth on either side and on perusal of the evidence which has come on record particularly that of the prosecutrix and the other witnesses examined till now who have not supported the prosecution case and turned hostile, this Court is of the opinion that prima facie a strong case has been made out for grant of bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**